



special
collections



DOUGLAS
Library

QUEEN'S UNIVERSITY
AT KINGSTON

KINGSTON ONTARIO CANADA

SOME
REMARKS
ON THE
BILL

FOR.

Taking, Examining and Stating

THE

Publick Accounts

OF THE

KINGDOM:

AND ON

The PROCEEDINGS thereon in both
Houses, the last Session.

LONDON: Printed in the Year, MDCCII.

AC 111. FOR. 365

S O M E
R E M A R K S
O N T H E
B I L L

*For Taking, Examining and Stating the
Publick Accounts of the Kingdom, &c.*

THE Miscarrying of a Bill which passed the House of Commons in the last Session of Parliament, for appointing Commissioners to State and Examine the Publick Accounts, has given Occasion for much Discourse and Censure. A Pamphlet has been Printed with the Title of, *The several Proceedings of the House of Commons, in Relation to the Bill for Taking, Examining and Stating the Publick Accounts of the Kingdom; together with the Copy of the Bill.* The Design of that Pamphlet is manifestly to throw Reflections on the Lords for the loss of that Bill. The House of Peers is an Essential part of the *English* Constitution: And since in all Points in Dispute between the two Houses, one of them must be more in the right than the other; It is to be hoped that if a Private Person may be allowed to endeavour to shew the

A 2

Lords

Lords to be in the Wrcng; another Private Person may be permitted to say, why he is not of the same Opinion:

There have been six Acts of Parliament for Constituting Commissioners to Take, Examine and State the Publick Accounts since the happy Revolution. Two Gentlemen had the Honour to be named Commissioners in every one of these Acts. There were great Alterations as to the other Commissioners (among whom were several Persons of great Worth and Ability) but it is not to be wondred at if a supposed Experience gave these two standing Commissioners the predominant Authority. In the first Act Sir *Robert Rich* was the 1st Commissioner, and he and Col. *Austen* were very Active in the Execution of it, and many useful Observations were offered to both Houses at their next Meeting; and if these had been throughly Examin'd into, and prosecuted with effect, a great Summ of Money might have been saved to the Nation. The Lords, during the Session in 1691. endeavoured with much Warmth and Assiduity to have improved these Observations for the Publick Good, but in vain; for the Commissioners being all Members of the House of Commons, there were found endless Difficulties in having their Attendance or Assistance.

The House of Peers, in order to prevent the like Inconvenience for the future, when another Bill of Accounts was sent to them in the same Session, thought fit to add some Persons, who were not of the House of Commons, to be Commissioners, of whom Dr. *Davenant* was one. But it seems his Name is not lucky to Bills of Accounts. That Bill was then lost by the House of Commons refusing to agree to the Amendment which the Lords had made, by adding the Doctor and his Companions for Commissioners; As the last Bill was lost by the Commons refusing to agree to the Lords Amendments, in
leaving

leaving out the Doctor and other Commissioners, made by the House of Commons.

Sir *Robert Rich*, and Col. *Austen* being made Commissioners of the Admiralty, were no longer continued in Commission of Accounts; and the Observations made while they were Commissioners, were no further taken notice of.

It may be asserted with great Truth, That from that Time forward no one Account was effectually prosecuted, no one Penny got or saved to the Nation, nor so much as one useful Observation for the Kingdom made, during any of the subsequent Commissions. This may look like a bold Assertion; but the Proceedings are all Extant, and may be resorted to; and therefore if what is affirmed be false, it may easily be refuted.

There is Reason to hope the Kingdom will soon see, from one who is well able to give it, an exact History of the several Commissions of Accounts, wherein some material Secrets may be laid open.

Several Reasons may be assigned, why so little was done during these many Commissions, and how it came to pass that their Remarks were so trifling, and so remote from the Matter of Accounts; and these will readily occur to any who will set themselves to consider: I will mention one thing, which may not commonly be taken notice of. In the first Commission of Accounts the Enquiry was restrain'd to the *fifth* of *November*, 1688. except only as to the Accounts of the Money issued for Repairs of the Navy in King *James's* Reign, under the Management of Mr. *P-----s*. Soon after the Revolution there was a great and general clamour on this Head, because the Ships, which were certified to King *James* to be thoroughly repair'd, were found, when they came to be made use of, to be merely patch'd up, for a Shew in Harbour.

This

This Clause alarm'd Mr. *P——s*, and all who were concern'd with him; and every expedient was put in Practice, which might tend to divert the storm: Sir *Robert Rich*, and Colonel *Austen* were Tryed, but stood inflexible, being determin'd to have nothing to do with Men who were known to be in another Interest than that of the Government. But Access was obtained to two other Gentlemen. It was discovered that one of them could not be over-flattered as to his great Ability, and they offered Incence to him in abundance; They told him his Head was admirably well turn'd to be the Master of the whole Oeconomy of the Navy, and captivated him entirely, by filling his Pockets with Schemes relating to the Fleet. It is probable the other Gentleman was prevail'd upon by more solid Measures. But by whatsoever means it was, both of them were prevail'd upon. In a little time, not only that part of the Business which related to Mr. *P——s's* Accounts was forgotten, but it seem'd to be forgotten that they were Commissioners of Accounts; for during all the subsequent Commissions, their observations were generally in relation to Sea Affairs, and the Management of the Fleet, instead of the Accounts of the Kingdom. It is true, there appear'd more Spleen than Weight in their Remarks, for they were generally baffled in the House in all these Sea Conflicts. Yet there was some pleasure in persecuting their Old Brother Commissioners, whom they could not without uneasiness see fixed in another Honourable Station. Besides when Mr. *P——s* was become as it were the Superintendent of the Commission of Accounts; it may readily be supposed what other ends were gratified in disquieting and disheartning the Persons who had the Principal Management of the Sea Affairs during the War. This was the Matter of Fact, and great Friendship and Dearness was begun, and continued between those Commissioners and Mr. *P——s*, and the Effects of it

will

will be yet seen by any Body who deliberately considers the observations of the Commissioners of Accounts, tho' it appear'd much more plainly to those who observed from time to time what passed in the House.

As the People of *England* had no profit by these Commissions, so the Charge of them was exceeding great. Besides Salaries, the voluminous, and (in a great Measure) unnecessary Accounts which the Commissioners required from every Office, cost the Kingdom vast Sums. The manner in which those Accounts were demanded, and the Officers treated, caused an incredible Distraction, and was a real hindrance to their carrying on their Duties during the continuance of the Commissions. But more than all this might have been born, if after so many experiments, the least Fruit had been produced for the good of the Kingdom,

In 1696, (after a Year very likely to have proved many ways Fatal to *England*) when of Course another Bill of Accounts came to be spoke of in the House of Commons; it was quickly perceived to be the general Opinion, that little Good was to be expected without a Total Change of the whole Commissioners. This Discovery touched the Commissioners very deeply. Some of them had been exercising an Inquisition for several Year together, against all such as would not learn to understand their Meaning. They had several ways tasted the sweetness of Power; and they had reason to apprehend that an entire set of New Commissioners would pique themselves to do somewhat for the Publick, and any thing of that kind must shew the unskilfulness or unfaithfulness of those who had been Employed for so many Years together.

No Artifice therefore, was Omitted to delay the Bill. It was brought into the House by the Lord *Spencer*, the 26th of *November* 1696, and was pressed earnestly from time to time, as appears by the Printed Votes; but nevertheless

theless things were so managed, that the House did not get to the Naming of the Commissioners till the 12th of *February* following, and then seven New Persons were pitch'd upon.

But an unhappy occasion was found totally to disappoint that Bill ; one of these seven Gentlemen having then a prospect of a more desirable Place, declin'd accepting to be one of the Commissioners of Accounts, and prevailed to get himself discharg'd by the House. The Old Commissioners laid hold of this opportunity, and observing those who were for a New Commission (according to Custom) to be negligent, as being too secure of their Majority, brought their Friends together, and by surprize got one to be named by the greater number of Votes, who they thought would be look'd upon as improper for such a Business: and thereby pretending to turn the Bill it self into Ridicule, procur'd a sudden Vote against the Engrossing it. If a Man will compare the Character of that Gentleman with the Characters of some of the Persons named for Commissioners in the late Bill, he must confess the House of Lords had better Grounds to believe it was never intended in earnest, that it should pass into a Law.

The Bill of Accounts in 1696. having miscarried, from that time, the Men who before pretended to be zealous in every Session for carrying on such Bills, were as industrious and artificial in preventing them; tho' the Persons principally concern'd in disposing the Publick Money, did not fail from time to time to invite, and indeed to provoke them to it.

The most proper time for making up all Accounts must be own'd to be upon the Conclusion of a War. The Officers were then at leisure; whereas before, if their Places were well Executed, the current Service took up all their Time. But the utmost Management was used
by

by some of the old Commissioners, to prevent any Act of that kind, till a favourable Season might render it probable, that themselves, or Men under their Direction, might be the Persons to be employed.

This appear'd plainly in the Session of Parliament, 1698. On the 14th of *March* in that Year, there happening a warm Debate in the House of Commons, on the Subject of the Publick Debts, and the Occasion of them, it was order'd, That a Bill of Accounts should be brought in, and the Lord *Cheyne*, Mr. *Pierpoint*, and Mr. *Bruges* were appointed to do it. The Parliament continued sitting near two Months after this, and tho' these Gentlemen were several times called upon, they would not be prevail'd with to offer such a Bill. No Body will believe it was forborn out of Partiality or Indulgence to the Men who were then in Publick Employments.

In the last Session of Parliament 1699. and 1700, the Season was come when they who had furnished the Kingdom with the former Commissioners were again Masters of the Choice. But then the great Surviving Commissioner was growing a pace into the Ministry; and notwithstanding all pretences of Publick Zeal, it has appeared that few have brigued to be Commissioners of Accounts, but with prospect of some other place. He had in his view a better Way of finding his Account, than by that Commission. He had talk'd of his being able to discover Secrets of Consequence in the foreign Accounts, and therefore was worth taking off; and some Persons grew afraid; a Bargain was made, and the Discoveries were no more heard off. An honourable Person, who is Principally concern'd in the making up of that Account, can best tell what the Bargain was. If he should not think it for his Advantage, in due time other ways will be found to make it appear.

During that Session the Petition of the Disbanded Souldiers came in so fast, and their Complaints were so loud that somewhat was to be done to satisfy them. They were amused for a great while by a pretence of Erecting a Court of Judicature for their Relief; But upon the Debate for the Committment of the Bill it appeared, that all the time had been lost, and that such a Judicature would be Useless, unless the Accounts were Stated and Adjusted. And thereupon on the 12th. of *February* 1699. it was Recommended to one of the old Commissioners and another, to bring in a Bill for Determining the Debts due to the Army, and for Transport Service; But above a Fortnight having passed, and no Bill offer'd, on the 27th. the Souldiers came to the House in a Tumultuous Manner, and threatned that Gentleman by Name. Some Officers who were of the House quieted the Disorder, and it had such an effect, that the second day after he brought in the Bill.

It was afterwards found Necessary, in Order to the bringing about some Designs then on Foot, that a great Favourite should be terrified, and another Person in a great Office should be kept in awe, and therefore a Clause was added to the Bill for enabling the same Commissioners to take the Account of all Prizes, during the War; which as it was then given out, would highly affect them both.

This Passage naturally invites one to an Observation (which every Gentleman who has Sat in in the House of Commons upon Recollection will acknowledge to be true) that generally speaking, the same Persons have early in every Session busied themselves, with a great shew of Publick Zeal, to call for all Accounts to be brought before the House. And yet those Gentlemen in no Session did look into the Accounts, or make any significant step towards it. The Proceeding nevertheless was several

ral ways Useful to themselves, tho' not to the Publick. It had a popular Appearance to all who did not thoroughly know the Men. It prevented others from pursuing the Matter effectually, because these Persons seemed to have charged themselves with the Enquiry. And it turned to great Account to themselves Personally. They were sure to be highly Courted, at least by all who were Obnoxious. These Gentlemen may be Resembled to *Tartars*, whose Incurfions are never made to enlarge the Dominions of their Country, but to get Contributions for themselves.

When the Commissioners came to be named, it appeared that many honest Gentlemen had taken a surfeit of employing Members in the Execution of Offices erected by the House, and therefore pressed hard to have all such Excluded, and they Succeeded even against their own Expectation. Meer Shame hindred those who were otherwise disposed from contending openly for private Interest, in the midst of such high Pretences for the Publick. Yet it is well known who were the Members design'd for this Commission, as well as for that of the *Irish* Forfeitures. When the Report was made of the Names upon whom the Majority fell, for being the Commissioners for taking those Accounts, it may be Modestly said it Occasion'd no little Surprize. I shall take particular notice only of one of them, *S-----l A-----s* Esq; a Person generally known since the Death of *Edmund Bury-Godfrey*. He may be a good Accountant, and perhaps a good *Williamite*; but I am apt to think he will not believe it a Dishonour to him, to have it said that since the Revolution, there has been no Alarum of an Invasion, Insurrection or Conspiracy, whereupon he was not Seiz'd and Imprisoned, unless he saved himself by Absconding till the Storm was over. Those Sufferings certainly could not be the meritorious Cause of his Preferment. But it may be

remembered that it was Fashionable at that time to maintain that there was not a *Jacobite* in *England*.

But to proceed, before the Meeting of the Parliament last Winter, the five New Commissioners had made a good Progress in Stating the Debt of the Army. They had also performed one thing which was not done before; The making a State of the whole Expence of the late War, amounting to 41 Millions; in this they had sufficiently expos'd one of the Commissioners, named in that part of the Bill which was disagreed to the Lords, Dr. *Davenant*, who had before in Print pretended that upon a nice Calculation, the Expence amounted to upwards of 60 Millions. A mistake of 19 Millions is no small one, if Men are so Charitable to call it a Mistake. But whether this was his Ignorance, or his ill Meaning, either of them was a good Ground for the Lords not to agree to such a Man's being Intrusted as a Commissioner to take this Account again. The Business of this Commission for Stating the Debts of the Army, &c. not being perfected, the House of Commons in the last Sessions thought the continuance of the Commission requisite. Accordingly in *March* a Bill to the same effect was ordered to be brought in, it was Committed in *April*, and went through the Committee, and this useful Bill in all probability had passed both Houses without a Negative, or the least Hesitation, but that was not the thing intended. The Juncture was very Critical, some Disputes had happened between the two Houses, upon account of delays in Prosecuting several Impeachments then depending; The Vindicating of Delays in the Course of Justice was thought no plausible or popular Occasion for a Quarrel, if it stood alone, and therefore other things were to be found out, and the few ill Intensioned Men who took Advantage of the Credulity of others, thought that nothing would appear to put the Lords more in the wrong, in the

Opinion of the People, than if a way could be found out to lay the loss of a Bill of Accounts upon them; nor nothing was so likely to pass upon the House of Commons, as the proposing such Alterations of the Bill as might seem to make it more General and Effectual. To bring this to pass, at the latter end of *June*, just upon the Close of the Sessions, and when the Bill which had passed the Year before had been agreed to by the Committee, it was proposed to add, as an Amendment, the entire old Bill of Accounts. They knew it would be necessary there should be a new Set of Commissioners, and were sure such Men might be named as would not be Agreed to in another place. And lest a Dislike of Commissioners should not be enough to make the Bill too hard of Digestion for the Lords to pass without Amendments, other Clauses of a very extraordinary Nature were added. To Demonstrate that the Ingratting the general Bill of Accounts into the other Bill, was but a new Thought, taken upon the suddain for some purpose or other, there needs only the reading of the Clause of Appropriation in the Act for laying Duties on Low Wines, &c. (which passed the House of Commons on the 16th. of *June*, whereas the Bill of Accounts was not passed till the 18th.) By that Clause Provision is made for the incident Charges in Executing the Trust of the five Commissioners for Taking the Accounts of the Army, Transport Debts and Prizes, but not the least Care taken for the Expences or incident Charges of the other general Commission, which must have amounted to great Sums, and (if it had really been intended that such a Commission should have passed) was certainly highly necessary to be Provided for, in a Case where the Commissioners were to have nothing for their Pains.

The Bill was brought to the Lords on the 18th day of *June*. They have undoubtedly a Right to deliberate upon a Bill sent up to them, and upon every part of it. If the Commons name Commissioners in a Bill, the Lords may consider the Men as well as their Business.

Suppose then that one was known to have no Estate to subsist on, and therefore could not afford to serve for Nothing. Another to be too fond of his Practice, to Sacrifice it all to the Publick, without a Prospect of Advantage. Another to have too much value for his Wit, to venture the dulling the Edge of it upon hard and crabbed Accounts. Suppose that some Lords knew the story of a certain Gentleman's getting, by great Sollicitation, a pretended security of 10000*l.* from his Friend, when there were not six Pence due to him, nor he worth 100*l.* in the World; in order by that deceit to procure himself a Wife. Suppose that other Lords might think it ominous to see a New Bill of Accounts, with a certain Gentleman's Name in it, and presently apprehend another Assassinating Year; and Remember who refused to Act in the former Commission after *Charnock's* Conspiracy was discovered, and subscribing the Association made necessary to qualify him for Acting. Suppose it to be known, that none of these Commissioners were eminent for skill in Accounts; might not these or other better Reasons move the Lords to dislike the Bill for the sake of the Commissioners?

Had there been no other Reason for the Lords to Object to the Commissioners, than that they were known to have been principally concern'd in the drawing of all those Messages of that Session, wherein the Lords were used in a more disrespectful manner than ever had been Practised in any Age; Yet that alone might have justified them to the World, for not agreeing to such Commissioners.

But tho' the Persons had been every way qualified, yet the Lords had reason to be jealous of agreeing to a Bill by
Whole-

Wholesale, where so many distinct Acts were so grossly racked together; a way of imposing upon the Peers, which has grown so fast of late, and is so evidently destructive of the constitution, as to make it necessary for the Lords to lose no time in putting a stop to it.

Besides all this, the thing carried a manifest ground of suspicion in the Face of it. So great a Trust to be lodg'd in Persons that offer'd themselves, rather than were chosen. Men are suspicious of one another, even to an unreasonable degree; but there was surely a Fair and Natural occasion given to weigh well what Inducement could be strong enough, in this ungrateful Age, to prevail with any Body so frankly to undertake a tedious, unthankful, dangerous Business, without any prospect of Interest; and to search very inwardly into the Men, before coming to an Agreement to give them such large Powers, and to trust them in an Affair of such Consequence.

There was another thing of great Weight to be considered by Persons of Honour and Integrity, before they could give their consent to this part of the Bill. It had passed in the same Words into a Law several times, without producing the least Good to the Nation. It was therefore plain, either that it was an useless and insignificant Law, or else the former Commissioners had all shamefully fail'd in their Duty. Men of Candour would be unwilling to believe the latter, and therefore would rather impute it to the Defects of the Act. But whether the Defect was in the Act or the Commissioners, it was certain somewhat was wanting, and it was fit the Nation should be no longer deluded with the Name and the Presence of a *Commission of Accounts*.

All wise and honest Men must be Opinion, that for the Satisfaction of the Nation, and for the Vindication of those thro' whose Hands the Publick Money has passed, in case they had behaved themselves well, or for bringing

ing them to Justice, if they have fail'd in their Duty, the Publick Accounts ought to be Examined and Stated, and in order to it, that it was reasonable to have an effectual Law made. The former Law, tho' six several times Enacted had produced no good effect, and therefore something more was to be done; it deserv'd to be thoroughly considered, whether this should be by making the Act more compulsory on the Commissioners, by prescribing to them a Method, and requiring them to pursue their proper Business in the Order the Act should direct; that so they might no more be left at large to do every thing but what they were charged with, nor have the opportunity of shewing Partiality in Preferring and Postponing; in driving on some Men unreasonably, and suffering others to live at ease, and Act as they pleased: In a word, that they might be no longer left so at liberty, as to do nothing to Answer the true Ends of a Commission of Accounts, which was, that the Kingdom might see how the great Summs given for the War, had been disposed off. It is certainly difficult to Frame a Law to Answer fully those Ends, and it was inexcusable to Abuse People with the same insignificant Law again, after so many disappointments. Since therefore at the end of a Session, it was not possible to Frame and Settle a Bill, with so much consideration as the Nature of the thing required, and the Kingdom expected; it seemed to be honourably done by the Lords, rather to deal openly, and for the present to lay it wholly aside. Accordingly the Lords left out all that part of the Bill, and this was the first and principal Amendment which the House made.

The second Amendment was the laying aside a Clause which obliged Mr. *Parkhurst* and Mr. *Pascall*, two of the Commissioners of Prizes, before the 1st of Sept. 1701. to make up and deliver upon Oath an Account of all the Prizes taken during the War, in the Method and Form which should

should be prescribed to them by the five Commissioners of Accounts; and in Default thereof, upon a Certificate of any three of those Commissioners, the Chief Justice of the *King's Bench* was required to Commit them to the Tower, to remain in Custody without Bail or Mainprise until the end of the next Session of Parliament.

It may not be amiss to observe how little this Bill as it came to the Lords was Consistent with it self. By the General Reviving of the several Acts for taking the Publick Accounts, the Account of all Prizes was put under the Power, and made part of the Duty, of the seven General Commissioners therein named, and yet by the same Bill the Account of all Prizes was expressly put under the Care of the five Commissioners for Stating the Debt of the Army, and by this Clause these last had an Arbitrary Authority of prescribing Method and Time. So the Lords were to agree to a Law, whereby the same Persons are made Accountable for the same Matters, at the same time, to two distinct Commissions. This is a Convincing Evidence that the Bill, as it stood, had not been considered much in one Place, nor was fit to be agreed to in the other.

Mr. *Pascall* was heard by his Council at the Bar of the House of Lords, and produced Witnesses to prove that Mr. *Parkhurst* and he had endeavour'd, but had been denied to be heard in another Place, what they had to say against the Clause. Their Counsel offered in their behalf divers things, to shew that it was Impracticable for them to make up an Account according to a Scheme which the five Commissioners had before that time prescribed to them, and their failing in that seem'd to have been the Occasion of this severe Clause. As soon as that appear'd no wonder it touch'd the Lords, and made them fearful of Subjecting the Persons of *English* Men absolutely, without being heard, to so long an Imprisonment, if

they should not be able to comply with a Method of Accounting which did not at that time appear, and so no Man could be sure whether it could be Practicable or not, especially when it was to come from the same Persons who had insisted upon a Scheme impossible to be comply'd with; and yet these very Men were made the final Judges of the Matter: for their Certificate was to be Conclusive; the Chief Justice he was to Ministerial only, and to Committ if they required.

It was also Insisted upon as highly unreasonable to single out two of the Commissioners of Prizes, and to oblige them under so heavy a Penalty to make up the Accounts of the whole Office, without any appearing Reason why they should be so distinguished, when there had been many Commissions and Commissioners of Prizes before one of those Gentlemen had came into the Commission.

That which gave the more Weight to this Argument, was the Observation of a Remarkable Variety in the Votes, which had pass'd on this Occasion, and were Printed, and which might give a reasonable Ground to Honest Men to consider what the Meaning could be. On the first of *March* all Persons who had been *Commissioners of Prizes*, or had been Officers to them, were Ordered to be *Aiding and Assisting* to Mr. Parkhurst and Mr. Pascall, in making up of the Accounts required of them. Upon the 3d of *March* it was Ordered, That *An Account should be lay'd before the House* of all Prizes taken during the War, and how the same had been disposed by the respective Persons concern'd therein. This Vote was Reinforc'd, and made to speak yet more plainly by an Order of the 21th of *March*, That Every Person any way Concerned as a Commissioner or Officer in the Commission of Prizes should joyn in making up the Accounts of Prizes, during

during the respective Times they were in the said Commission, according to the Scheme directed by the Commissioners of Accounts, and required by the House. And yet, after all this shew of Equity in these two later Votes, by Subjecting equally all Persons concern'd to make up this Account, without any visible Cause, the old Displeasure against these two unfortunate Gentlemen returned again, and upon the Instant of Passing the Bill in the House of Commons, the Clause for Obliging them two alone, under so heavy a Penalty to make up the Accounts, was made part of it.

It cannot be pretended but this must have an odd Appearance to all indifferent Men, who were not lett into the Secret. Altho' such as had a mind to penetrate into the true Causes of these great Variations in the Resolves might recollect, that it was convenient to cajoll a certain Person who had been of the Commission of Prizes about the beginning of *March*, to draw him to a Compliance; and very necessary, about the latter end of *March*, when he proved backward in complying, to terrifie him into Discoveries, and proper to spare him again when he had answered their Expectations in laying open some Secrets. But very few who were out of the Intrigue could satisfy themselves to approve of such Methods, and become Parties to them, by agreeing to such a Clause.

It was also made out at the Bar of the House of Lords, that there was a Treasurer of the Prizes appointed by the King under the Great Seal, in whose hands all the Prize-Money was lodged, and that there was an Accountant-General appointed, whose Business it was to keep the Accounts of the Prizes, neither of which were of the Nomination of the Commissioners, and yet were the proper Persons to make up the Accounts. This Consideration might move the Lords to think it more Reasonable, and more likely to prove effectual to let this

Account, like other Accounts, stand upon the General Words of the Bill, which did very fully Impower the five Commissioners to take the Account of Prizes, and require all Persons whatsoever (who were by Law liable) to make up that Account, rather than to put things out of the natural Course, by Agreeing to a Clause which seemed so very hard and Impracticable, as well as Unnecessary.

This being the true State of the Case, it may be seen with what Justice it could be affirmed, *That by the Lords Disagreeing to that Clause, these two Persons were Exempted from Accounting*; when the truth was, that notwithstanding the Rejecting of this Clause, they did not only stand liable to Account according to the ordinary Rules of other Accountants, but continued obliged, by that part of the Bill, which was agreed to by the Lords, to Account before the five Commissioners, according to the special Directions of that Bill, which was in Terms the same as had passed the Year before.

The third Amendment made by the Lords was by leaving out a Clause concerning Mr. *Whitacre* who had been Solicitor for the Admiralty and Navy, whereby the seven Commissioners were Impowered to Examine into his Accounts, and the Nature of his Services, and Vouchers, and Method of passing his Accounts, and Report what they thought Extravagant and Unreasonable.

It would be enough to shew the Lords were under a Necessity of Disagreeing to this Clause, whereby the Examination of this Matter was appointed for the seven Commissioners, because they had Disagreed to the Constituting those Commissioners, and so that Clause must fall of Course. But the best way is to speak to the thing it self as it truly passed, because nothing has been more endeavoured to be misrepresented, than the leaving out
of

of this Clause , it having been said, That so Scandalous Accounts were never seen. It is to be hoped there may be a Mistake in the harsh Representations of those Accounts; because if they should be indeed so Extravagant and Unreasonable, it ought certainly to fall heavy on the Persons who passed them.

But be the Accounts fair, or not, it must be owned, That the Lords rejected the Clause, without the least regard either to *Whitacre* or his Accounts. The Consideration upon which it was rejected, was meerly to avoid a most dangerous Precedent, which in consequence would have broke the Credit of the Navy, much more than was observed at first view. For by introducing such a Method of Re-examining Matters, which had pass'd in the usual Forms, the Estate of every Merchant in *England*, who had dealt with the Navy, might have been subjected to the Process of the Exchequer, and their Bargains and Accounts to a Re-examination.

It appeared, That Money was from time to time Imprested to *Whitacre*, to be laid out for the Service of the Admiralty, and his Account for those Services had been Examined in the usual Manner, and allowed by the Navy-Board, and his Imprest Bills taken up, and he discharged according to the Method of Accounting in the Navy, and this for Ten Years together. If after all this, it should be admitted that these Matters might be drawn over again, and the Nature of his Services again inquired into, and his Vouchers Re-examined; by the same Rule, any Dealer or Contractor with the Navy, who had performed his Contract, and taken up his Imprest Bills, and had perfect Bills made out for his Discharge, upon a bare Suggestion, might have his whole Account, and all the Transactions upon his Contract laid open again, under pretence that there was some Deceit upon the King in his Contract, or some Abuse in the Performance of it.

It

It is easie to foresee how great an Alarum this would have given to all the Merchants of *England*, where they, or any of their Families had been engaged in such Contracts.

And no wonder if the Lords were cautious in passing so extraordinary and dangerous a Clause, unless some very particular Occasion had been made out by proof; especially at a time, when most of the Lords thought a War might not be very remote; and consequently a Breach upon the Credit of the Navy, might prove fatal. And even, if it had been prov'd, that *Whitacre* was very faulty; yet it might be a great Question, Whether it were not better for the Publick, that they who passed his Accounts, without just Vouchers, should be made answerable to the Nation, than that so pernicious a Precedent for the Disturbance of the Subject, should be agreed to.

These were the parts of the Bill sent up from the Commons, which were disagreed to by the Lords. All that part of the Bill which related to the Commissioners for Stating the Debts of the Army, Navy, and Transport-Ships, (which was indeed the whole Act that passed the precedent Year) was pass'd without Alteration. Therefore if any Publick or Private Inconvenience should arise; by the not continuing of that Law, the blame will in no sort fall upon the Lords, who pass'd it as it came to them, and returned the Bill to the Commons with all possible expedition. It was sent up to the Lords, on the 18th, and ordered to be returned to the House of Commons on the 23d of *June*.

If the House of Commons remain'd unsatisfy'd with any of the Lords Amendments, the known, and only Parliamentary Method to set such a Matter right, was by desiring a Conference; at which they might offer their Reasons to the Lords, for disagreeing to their Amendments,

mendments, in order to convince them of the Reasonableness of quitting them. To leave this Method, is to decline all Parliamentary Correspondence ; for the Two Houses, after any difference in Opinion, can never be brought to be of a Mind, (tho' both should be desirous to agree) unless by Conferences. It cannot be denied, but the Commons had time enough to have delivered their Reasons to the Lords, to incline them to wave their Amendments, if they had been pleased to take that Natural Course. But instead of desiring a Conference, and offering their Reasons there, a Vote, without a Precedent, was made, to Print their Reasons, which was offering them to the People, instead of offering them to the Lords. Well-meaning Men may be puzzled to think what Construction ought to be put on this Proceeding. The Reasons when Printed, might have an effect on People without Doors, but could not possibly have any effect towards passing the Bill. Suppose them to be strong enough to satisfy every Individual Lord, that he ought to wave the Amendments ; yet for want of their being propos'd at a Conference, the Lords could not, by the Methods of Parliament, desist from the Amendments. If it should be said, That some Men had less regard to the passing the Bill, than to get a point of Popularity at that time ; it would not be easie to give a solid Answer to such a Reflection. These Reasons were printed amongst the Votes of the Day, and reprinted in the Pamphlet before mentioned ; and every one is at liberty to make his own Judgment of them, as he finds himself disposed ; as also, whether any thing observed in this Paper, has any weight. But I cannot forbear to remark, that one of those Votes seem'd to Men without Doors, to contain a direct Mistake in point of Fact. *That by reason of their Lordships disagreeing to the several parts of this Bill, the Supplies provided by the Commons, for*
paying

paying the Arrears due to the Army, must of necessity prove to be ineffectual, 'till another Session.

Every Body, who has taken notice of it, says, It could not possibly be for that Reason.

First, Because the Lords agreed to every Word in the Bill, relating to the taking the Accounts of the Army; and therefore the earlier or later Application of the Supplies to the Uses intended, cou'd be in no sort influenced by their disagreeing to the other parts of it.

Secondly, The Commons, in Favour, or perhaps in Compassion, to the Forfeiting Persons, had thought fit to Insert a Clause into the Bill for the Land-Tax, which they had pass'd before, *That none of the Forfeited Lands in Ireland, should be Expos'd to Sale, 'till after the 25th of December, 1701.* This Clause alone had made the Supplies, as to the purpose of paying any Arrears to the Army before another Session, ineffectual. But so little was it really intended to have any Arrears paid before another Session of Parliament, that by a Clause Inserted into the Bill of Low-Wines, it was Enacted, *That none of the Lands of those that Petitioned the House of Commons, should be sold 'till after the next Session of Parliament.* How could it then be affirm'd, That the Lords Amendments were an occasion that the Lands were not disposed of for paying the Soldiers Arrears, before the next Session; when by a Bill pass'd the Commons, before these Amendments were made, no Lands could be disposed of, 'till the *Christmas* following, (by which time another Session might be expected) and by another Bill, the bare exhibiting a Petition to the Commons, without any Examination of the Truth, or Reason of the Matters contained in the Petition, was made a sufficient Ground to secure the Estates of so many *Irish Papists*, from being dispos'd of, 'till after they saw the Event of another Session? I say, without Examination of the Truth, &c. because a bare

bare Affirmation to the Commons, or to any Persons appointed by them, can't be look'd on as an Examination into the Truth.

Had it not been for these two Clauses in two above-mentioned Acts, the Lands were to have been sold the 24th of *July*, 1701; and some of the Regiments, who were most forward in their Accounts, might have had Relief immediately, but thereby they were all postpon'd till *Christmas*, and most of them for a much longer time: For I know of no provision made for the Payment of those Arrears, but the Sale of those Lands.

May it not be allow'd to remark, That amongst all the Observations sent over by the Commissioners of the *Irish* Forfeitures, in order to have the Explanation of the Parliament, there was no Notice taken, or any Explanation given of any of the Points, which might have augmented the Forfeitures. On the other hand, by these two Clauses, further Relief and Time was given to the Forfeiting *Papists*, for entering their Claims, and postponing the Disposal of their Lands to answer the Ends of the Act.

It may be truly said, That they were not at that time without hopes (tho' possibly very vain) of what a Year or two might produce.

It may be naturally enough objected, That the two Clauses in these Acts, are of a strange Nature; and since they seem to cast a Blemish on those who pass'd them, the Lords can hardly form a good Excuse for themselves from thence.

The Answer to this is plain: It is certain such Clauses never would have pass'd the Lords, if they had not brought their Charm along with them; that is, if they had not been tack'd to Money-Bills. Let any Indifferent Man read that Clause in the Land-Tax, *fol.* 347. and more especially the Clause 498, &c. in the Act for Low-Wines, and let them judge if those Clauses would have

been agreed to, if they had not been Inserted in Bills so very necessary and pressing. Time must shew how long this Charm is to last ; but if it be not soon at an end, without any Gift in foretelling, it will not be hard to say, what Body of Men must quickly become useless.

There never was a better opportunity than at the End of the last Session, to make the Lords swallow such Bills as these. There was a sense somewhere, that the steady Proceedings of the House of Lords, in doing Justice impartially, had given them a deserved Reputation; and therefore it was thought of no little Moment to provoke them to things seemingly unpopular, or what might have the appearance of obstructing the Publick Interest. If their making some Amendments to the Bill of Accounts, (which if duly weighed, were of no Importance to the Publick, and could not in Justice or Honour be agreed to) has produced such a Libel, as the Pamphlet above-mentioned, What Volumes of Venomous Reflections, might the same Author have entertain'd the World with, if the Lords had made the proper Amendments, by leaving out the Clause in the former of these two Bills, which gave the Supplies of the Year, or in the latter, which contained the Approbation of all those Supplies? This was understood, and these hard Clauses abounded in more Bills than that for taking the Accounts.

It is just to remark, how sincere a Desire the House of Lords had, that the Officers and Soldiers should, as far as was possible, have all the Advantages intended them by this Bill ; for on the last Day of the Session, as soon as it was understood that the Commons, instead of desiring a Conference upon their Reasons, had ordered their Reasons to be Printed, (so that it was plain, there was no possibility of having the Bill pass, either with or without the Amendments.) It was moved, That an Address should be

be made to the King, to Impower the same five Commissioners, named in the Bill, to execute, as far as by Law might be done, the Powers in the former Act for taking and stating the Accounts of the Officers and Soldiers; and it was carried by a great Majority. But there was a Management to make this good Design abortive, by some who pretended to have a Concern for the Soldiers. So much time was spent in the Debate, that His Majesty came, (before the Votes were reported) to the House. But it may be affirmed with Assurance, That since the before-mentioned Clauses in the two other Acts, had made any Disposition of Lands impracticable, the Officers and Soldiers, by such a Commission, would have had all the real Advantage they could have expected from the Bill, if it had passed before another Session.

The Memorandum, added in the close of the Pamphlet, must not be passed by unobserved. It is Printed in a different Character, to have it taken Notice of. *That some great Lords, this present 14th of June, 1701. remain Accountable to the King and Commons of England, for many Millions of Publick Monies by them received, during the late War.*

I will not reflect on the manner of wording this *Memorandum*, as if they were not accountable to the Lords, as well as to the Commons; since every Bill of Accounts which has pass'd before or since the Revolution, confutes so absurd a Notion. But what I would remark, is the Malice of the Insinuation; as if there had been a partiality in the House of Lords; and they had a design to favour any of their own Body in the point of Accounting: It is not only an unjust, but a groundless Suggestion. For as far as I have heard, there is only one Peer, who is accountable for any Money given for the Uses of the War; and I am well assured, all that Lord's Accounts have been before the proper Officers to be Examined, and are all delivered

livered in to the Auditors of the Imprests ; and I am certainly informed, all the Officers concern'd, must and will own, That never any Accounts have been followed and press'd on with greater diligence, in order to bring them to a conclusion.

By what has been offer'd, it appears very unjust to take occasion to reflect upon the Lords, who Voted for the Amendments to the Bill ; as if they were not earnestly desirous to see a good and effectual Bill of Accounts pass'd. The contrary of that will certainly appear, whenever there is an opportunity of passing such a Bill.

The true Reason why these Lords were for laying aside that part of the last Bill, which related to the General Accounts, was because they were convinc'd by Experience, it would be wholly ineffectual to answer that Design.

It may be also justly said, There were weighty Reasons for the Lords declining to agree to other Clauses tack'd to that Bill. As also, That if the Commons had Reasons to make good the Bill, as it was sent to the Lords, yet by their waving the Parliamentary Method of Conferences, they made it impossible for the Lords to agree with them ; so the Bill must necessarily fall for that cause, and its loss lie at the Door of the Commons.

And Lastly, It is clear, that if the Officers and Soldiers find any Inconvenience for want of renewing the Act of the perceding Year, for stating the Debts of the Army, it cannot lie at the Lords Door, because they agreed to it exactly as it had pass'd before, and returned it to the Commons in time.



